


¹The Court substitutes Jose M. Correa, Sr. in place of Daniel Bible as Field Office Director.

the petitioner is "in custody." *See* 28 U.S.C. § 2241. While physical detention is not required for a petitioner to meet the custody requirement and obtain habeas relief, *Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004), before a court can exercise habeas jurisdiction over a petitioner no longer in custody, "the petitioner must demonstrate that . . . his subsequent release has not rendered the petition moot, i.e., that he continues to present a case or controversy under Article III, § 2 of the Constitution." *Zalawadia v. Ashcroft*, 371 F.3d 292, 296 (5th Cir. 2004). "The petitioner presents an Article III controversy when he demonstrates 'some concrete and continuing injury other than the now-ended [detention] -- a 'collateral consequence of the conviction.'" *Id.* at 297 (quoting *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)).

In the present case, Petitioner failed to respond to the Motion to Dismiss and has not otherwise demonstrated that he continues to present a case or controversy under Article III, § 2 of the Constitution. *See Zalawadia*, 371 F.3d at 296. Accordingly, Respondents' Motion to Dismiss (ECF No. 9) is **GRANTED** and Petitioner's 28 U.S.C. § 2241 Habeas Corpus Petition (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE AS MOOT**.

It is so ORDERED.

SIGNED this 6th day of August, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE